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ABSTRACT

Findings of a study that examined the effect of a 13-week inservice program on administrators' awareness of laws governing student searches and seizures are presented in this practicum report. Four school-site administrators participated in the project once a week. Program activities included case analyses, role-playing exercises, and critical-thinking worksheets. Pre- and post-test surveys indicate that participants made significant gains in their knowledge and understanding of laws that regulate student search and seizure. Implications are that school districts must communicate legal information to school-site administrators and develop a district curriculum. Appendices contain a manual that outlines the relevant law regarding student search and seizure, critical-thinking worksheets, and survey findings. (Contains 37 references.) (LMI)

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THE EFFECTS OF AN INSERVICE PROGRAM ON SCHOOL ADMINISTRATORS' KNOWLEDGE CONCERNING THE FOURTH AMENDMENT'S APPLICABILITY TO STUDENT SEARCHES AND SEIZURES

by

Orlando B. Gonzalez

A Practicum Report

Submitted to the Faculty of the Center for Advancement of Education of Nova University in partial fulfillment of the requirements for the degree of Master of Science

The abstract of this report may be placed in a National Database system for reference.

July/1992

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This practicum examined the effects of a thirteen-week inservice program dealing with the law governing student searches and seizures. Activities included case analyses, role-playing exercises, and critical-thinking worksheets. The results of pretest and posttest administrations of an Educational Law Survey indicated that significant gains were obtained by all the administrators in the target group. Appendices include a manual outlining the relevant law regarding student searches and seizures, critical-thinking worksheets, and a Educational Law Survey.

Authorship Statement/Document Release

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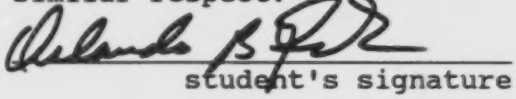

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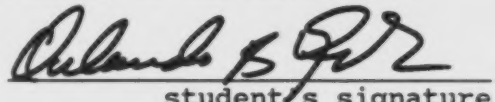

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Table of Contents

Page

Title Page i

Abstract ii

Authorship Statement/Document Release iii

Observer's Verification iv

Table of Contents v

Chapters

I. Purpose 1

II. Research and Solution Strategy 13

III. Method 25

IV. Results 30

V. Recommendations 33

Reference List 35

Appendices

Appendix A : Florida Education Coalition Crime and Violence Survey - 1990-1991 School Year . . . 40

Appendix B: Special Investigative Unit-Dade County Public Schools Comparative Analysis of Selected Offenses Reported for the School Year - 1990-1991 42

Appendix C: Practicum High School's Selected Offenses Reported for the School Year 1991-1992 44

Page

Appendix D: School Administrators' Knowledge of Recent Recent Supreme Court Decisions Affecting School Practice 46

Appendix E: National Principals' Survey on the Knowledge of T.L.O and Student Searches . . . 49

Appendix F: Educational Law Survey Pretest and Posttest 57

Appendix G: Samples of Critical Thinking Worksheets 61

Appendix H: Educational Law Survey Pretest and Posttest Results 64

Appendix I: Permissions to Reproduce Published Material 67

Attachments 71

Chapter I

Purpose

Background

The setting for this practicum was a senior high school in a large urban area of Florida. Presently, the school has an enrollment of approximately 3,300 students. The student population consists of 88 percent Hispanics, eight-percent Blacks, three-percent White non-Hispanics, and one-percent Asian/American Indian students. The student attendance rate is approximately 92 percent. There are five administrators (i.e., one principal and four assistant principals), two administrative assistants, 143 classroom teachers, 10 Exceptional Student Education (ESE) teachers, two art teachers, 12 English for Speakers of Other Languages (ESOL) teachers, 29 language arts teachers, four music teachers, seven foreign language teachers, 21 math teachers, 17 science teachers, 19 social studies teachers, two home economics teachers, seven vocational education teachers, 11 physical education teachers, nine cooperative education teachers, three computer education teachers, one magnet

program coordinator, five business education teachers, three media specialists, eight counselors, 14 paraprofessionals, one trust counselor, and one occupational specialist.

The school has several programs, such as (a) the Student-At-Risk-Program (SARP) which is designed to reduce the high school dropout rate of participating non-ESOL students, (b) the Bilingual Vocational Instructional Program (BVIP) which is designed to reduce the dropout rate of participating Limited English Proficient (LEP) high school students, and (c) the Evening Alternative High School Program which provides potential dropouts, in need of full-time employment, with an alternative means of completing graduation requirements, and serves students of all socio-economic backgrounds. The school draws students from within its established boundaries and receives bused-in students from a predominantly black area. The school conducts a Teaching Profession Magnet Program with an enrollment of approximately 150 students. The ESE department serves approximately 250 students who are educable mentally handicapped (EMH), physically handicapped, visually impaired, emotionally handicapped, specific learning disabled, gifted, and those in need of

speech therapy. Integration of the curriculum is a major focus of the faculty. Special schoolwide events such as Black History Month, Hispanic Heritage Week, Women's Awareness Week, Homecoming, and other related events are all part of the school program. The administration encourages all students to actively participate in all of the school's sponsored events.

The school mission is wholeheartedly supported by the parents through an active Parent-Teacher-Student Association (PTSA). This support is invaluable to the overall success of the school. Parents, teachers, students, and administrators help plan school events, thus enhancing the activities' success.

The administrative staff (i.e., assistant principals and administrative assistants) spend much of their time dealing with academic problems and student discipline issues such as (a) truancy, (b) general class disruptions, (c) theft, (d) weapons possession, (e) smoking on school grounds, (f) defying school authority, and (g) fighting. The administrative staff also serve the students by providing personal counseling to those who desire it. The staff's purpose is to aid the students in any possible manner and avoid, if possible,

disciplinary action.

The author of this practicum is a seventh year teacher presently serving as an administrative assistant. The author's duties include (a) disciplining students, (b) facilitating parent conferences, (c) conducting the Full-Time-Equivalence (FTE) survey, and (d) supervising the school security personnel. This writer believes that the knowledge level of the school's administrative staff, regarding the law of student searches and seizures is inadequate. The courts have held administrators to be liable for damages when they conduct an illegal search. Therefore, it is the purpose of this practicum to present clear and concise guidelines to assist administrators when conducting student searches and seizures.

Problem Statement

Since the early seventies, school crime and violence have been a major concern of school officials. Moles, as cited by Gaustad (1991:2), stated that some type of school crime, such as theft and drug use, have remained level or diminished in recent years. However, evidence exists which indicates an increase in violent crimes.

According to a survey conducted by the Centers for Disease Control (i.e., the Youth Risk Behavior Survey),

Ruffenach (1991:A5C) reported that approximately 20 percent of the high-school students surveyed had carried a firearm, knife, or club to school. These figures are indicative of the increase in violence among the nation's youth.

In a national school crime report, "School Crime:A National Crime Victimization Survey Report," Bastian and Taylor (1991) stated that (a) only nine percent of public school students reported drugs as impossible to obtain, (b) 30 percent said that marijuana was easily obtained, and (c) approximately 31 percent said that alcohol was easily accessible at school while 31 percent stated that alcohol was difficult to obtain at school. These figures indicated that even though declining in popularity, drugs and alcohol still exist in the schools and contribute to the violence in them.

According to the Digest of Education Statistics (1991:134), a national statistical report on education, the occurrence of (a) students caught selling illegal drugs were 0.2 per 100 students, (b) theft of personal items reported to the administration were 1.2 per 100 students, and (c) law violations reported to the police by school authorities were 0.8 per 100 students. Again,

these figures indicate an unacceptable level of crime in our schools.

The Florida Education Coalition Crime and Violence Survey (1991:6) reported 46,088 incidents involving student violence and crime for the 1990-1991 school year (Appendix A:41). Of this total, incidents involving (a) firearms, (b) weapons, (c) robbery, (d) drugs, (e) alcohol, and (f) vandalism accounted for 12,907, or 28 percent, of the reported incidents. This report indicated that violent crimes accounted for approximately one-third of school crimes in Florida's public schools.

Figures provided by the Special Investigative Unit (SIU) of Dade County Public Schools (Appendix B:43) closely paralleled the state numbers. Out of 13,138 reported incidents (a) firearms, (b) weapons, (c) robbery, (d) drugs, (e) alcohol, and (f) vandalism accounted for 3,786, or 30 percent of the reported incidents. Again, this represents 30 percent of the total number of school crimes in Dade's public schools. Furthermore, school-site figures (Appendix C:45) revealed that however few the number of incidents reported, school crime and violence are issues that cannot be ignored by school officials.

Chapman et al. (1986) conducted a legal issue survey of New York public schools' administrators to ascertain their knowledge of relevant judicial decisions and their ability to apply those decisions to student searches and seizures. The results (Appendix D:47), showed that less than 50 percent (46%) of the schools surveyed had written policies governing student searches. In most schools, (94%) the study showed that the principal was the administrator who usually conducted a student search, while in slightly more than one-half (54%) of the schools, an assistant principal also conducted searches of students. Ninety-five percent of the administrators surveyed knew that students had a constitutional right to be free from unreasonable search and seizure, and 78 percent were aware that reasonable suspicion is required before a search can be initiated. Twenty-seven percent, however, did not know that some evidence of wrong-doing was required before school personnel could search a student. Twenty-percent incorrectly believed that probable cause and a warrant were necessary before a school official could search a student. Out of seven categories in the survey, only two of the items had correct responses above the 85 percentile, indicating

administrators' lack of clear understanding of search and seizure laws and their application to public schools.

Deleon and Gettings (1988:465) conducted a nation-wide survey of public school principals to ascertain the status of search and seizure practices in public secondary schools. The survey focused on three major issues: (a) principals' knowledge of case law and the implications these decisions could have on student searches and seizures, (b) the extent to which school districts had written policies regarding student searches, and (c) the extent to which school officials were conducting the various types of searches in the public schools. The results (Appendix E:50) showed that almost three-fourths (73%) of the principals surveyed were aware of the 1985 Supreme Court decision concerning school searches. Out of that number, almost one-half (44%) incorrectly stated that the Fourth Amendment did not apply to school searches, yet 88 percent knew that school searches required only reasonable suspicion. Only about one-half (53%) of the principals said their districts had written policies governing student searches. Data for (a) who is responsible for student searches, (b) the type of searches conducted in the

school, and (c) the extent of the search conducted indicated that the lack of knowledge of the law pertaining to school searches and seizures was likely to continue to cause problems for administrators.

In the school district where this practicum took place, numerous incidents have occurred in which administrators have had to apply the law governing student searches and seizures. For example, in one high school, a student was observed firing a weapon on school property. Following this incident, interviews conducted with this school's administrative personnel revealed that they were unaware of their legal right to conduct a school-wide locker search. In another high school in which a gold chain was allegedly stolen from a student, school-site administrators were unaware of the correct procedure regarding a police officer's search of a student's person.

Results of a school-site survey, conducted by the writer, showed that none of the administrators in the target group knew of the Supreme Court decision which applied Fourth Amendment rights to public school searches. Only 50 percent knew that only reasonable suspicion was needed to conduct a search. All of the

administrators knew that strip searches should not be conducted in this school district, yet considerable variance was evident in their responses to application questions regarding the law of student searches and seizures. The results of this survey indicated confusion and a lack of knowledge concerning the law of student searches.

In examining school crime statistics, it is evident that school crime still permeates the educational system. School officials must provide for a safe learning environment for all their students. In order to reduce the number of crimes in the schools, the courts have given administrators leeway in conducting student searches. However, as the two aforementioned surveys indicated, school officials do not have an accurate knowledge of the law of searches and seizures in public schools. In light of court decisions which have held school officials liable for illegal searches, it is imperative that all confusion regarding the law of student searches and seizures be eliminated. (See Picha v. Wielgos, 1976; Doe v. Renfrow, 1980; Bilbrey v. Brown, 1984; Potts v. Wright, 1973).

It is the purpose of this practicum to present four

school-site assistant principals with clear and consistent guidelines regarding student searches and seizures to eliminate confusion and thus, avoid any lengthy and costly litigation for Dade County Public Schools (DCPS) administrative personnel.

Outcome Objectives

Adler (1982:10), stated that "[t]he ultimate goal of the educational process is to help human beings become educated persons. Schooling is the preparatory stage; it forms the habit of learning and provides the means for continuing to learn after schooling is completed." This is accomplished by imparting the skills necessary which will motivate individuals to continue to learn (Adler,1982).

The objectives of an educational staff development program are to (a) impart knowledge, (b) change attitudes, and (c) develop skills, in order to successfully implement any change (Melnick, 1991). The amount of change produced during an inservice must be measurable so to ascertain the success, or failure, of the program.

The outcome objectives of this practicum were as follows:

1. After participating in the 13 week inservice program, 75 percent of the administrators scored at least 80 percent or above on the Educational Law Survey posttest producing a posttest gain of at least 35 percentile points.
2. After participating in the 13 week inservice program, 75 percent of the administrators demonstrated 80 percent accuracy when comparing aspects of legal cases regarding student searches and seizures, thus, determining the extent to which the administrators improved their critical thinking skills.
3. After participating in the 13 week inservice program, 75 percent of the administrators applied the correct legal standard to student searches and seizures scenarios with 80 percent accuracy.

Chapter II

Research and Solution Strategy

School Crime and Violence Research

Since the early 1970s, school crime and violence have been a major concern of school officials. Yet, attention to school violence has appeared to decline in the 1980s in relation to such questions as academic standards and achievement levels (Haas, 1988:729). Today, with the increase in weapons possession and the advent of a violent drug subculture in our schools, educators have begun to focus on the issues of school crime and violence.

Menacker et al. (1989:40), in a survey of one of the poorest and most crime-ridden sections of Chicago, found that (a) more than 50 percent of the students reported thefts of personal belongings, (b) eight percent said they had been threatened by some type of weapon, (c) 32 percent mentioned that they had carried a weapon to school on at least one occasion, (d) 10 percent said that they had used a weapon at least once when committing a theft, and (e) seven-percent reported being high on drugs

or alcohol at least once while in school. The study concluded that schools were safer than the surrounding neighborhoods. Yet the prevalence of the aforementioned incidents makes any attempt to limit the authority of school officials to conduct student searches a ludicrous proposition.

As previously stated in Chapter One of this practicum report, research has indicated a level of school crime and violence which is unacceptable to educators. Those studies showed that incidents involving weapons, theft, robbery, and substance abuse still account for approximately 30 percent of all reported incidents of school crime and violence.

Legal Research

The nature of crime and violence in today's schools has led school officials to conduct more student searches and seizures than in previous years (Zirkel and Gluckman, 1985; Braverman, 1986; Partridge, 1989). The advent of consolidated schools, magnet schools, cross-town busing, mainstreaming, students' awareness of their rights, and civil rights action for damages has diminished the authority of school officials and altered their options when dealing with the discipline of students (Nedurian,

1982:197).

The applicability of the Fourth Amendment to public school students has created considerable controversy and confusion. This issue has long been a concern of both school officials and law enforcement officers. Much of the controversy and confusion has resulted from the decisions handed down by the lower federal and state courts regarding the application of Fourth Amendment rights to student searches (Rossow, 1987). What may be applicable in one state or federal circuit may not be applicable in another.

The Fourth Amendment states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath and affirmation, and particularly describing the place to be searched and the person or things being searched (U.S. CONST. amend. IV.).

Although the United States Supreme Court has been a staunch supporter of the rights afforded by the Fourth Amendment, its support of these rights with regard to searches and seizures of students in schools has been less supportive.

Between 1967 and 1985, the United States Supreme Court delivered the following landmark decisions

regarding the constitutional rights of students:

1. In re Gault (1967), (Fifth and Sixth Amendments)- the Court held that a juvenile was entitled to certain constitutional guarantees including (a) notice of the charges, (b) right to counsel, (c) privilege against self-incrimination, and (d) the right to confront and cross-examine witnesses. The decision did not apply specifically to school exclusions, but some lower federal courts began to clarify the procedural due process rights of students in exclusionary hearings.

2. Tinker v. Des Moines Independent Community School District (1969), (First Amendment)- the Court ruled that students may express their opinions on controversial issues as long as the exercise of such right does "not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school" or infringe on the rights of others.

3. Goss v. Lopez (1975), (Fourteenth Amendment)- the Court recognized that a student's state-created property right to an education is protected by the Fourteenth Amendment's Due Process Clause. Therefore, suspensions of more than 10 days require more than notice and informal hearing.

4. Ingraham v. Wright (1977), (Eighth Amendment)- the Court held that the use of corporal punishment did not violate the Eighth Amendment's ban on cruel and unusual punishment nor the Fourteenth Amendment's procedural due process guarantees.

5. New Jersey v. T.L.O. (1985), (Fourth Amendment)- the Court held that the Fourth Amendment's protection against unreasonable searches and seizures applied to school searches through the Fourteenth Amendment. However, school officials need only "reasonable suspicion" in order to search a student instead of the more stringent "probable cause" requirement of the Fourth Amendment.

There is a limited amount of professional literature dealing directly with this problem. A comprehensive and exhaustive search of the legal and educational data-bases produced only five citations.

Fuchs, in his 1989 dissertation, conducted a study of Wisconsin schools to determine: (a) whether school-site administrators applied the T.L.O. reasonable suspicion standard when conducting school searches, (b) if school officials perceived the correct degree of legal risk associated with student searches, (c) if grade level and/or enrollment had any relation to the perception of

legal risk or the application of the T.L.O. standard, and (d) whether participation by an administrator in a school law course or workshop had any relation to their ability to understand and apply the T.L.O. standard. The study concluded that (a) a majority of Wisconsin school-site administrators did not apply the T.L.O. standard when conducting student searches, (b) a majority of the administrators did not perceive the correct degree of legal risk associated with student searches, (c) grade level or enrollment had little relationship to administrators' ability to apply the T.L.O. standard or perceive the degree of legal risk involved when conducting student searches, and (d) administrator participation in a school law course or workshop had no impact on their perception of legal risk, but influenced the extent to which administrators applied the T.L.O. standard when conducting a student search. This study further illustrated the need for administrators to be aware of the correct legal procedures when conducting student searches.

Osborn, in a 1990 dissertation, conducted a study to assess school principals' knowledge of South Dakota school law. The results indicated a mean correct score

of 72 percent on an instrument assessing the principals' knowledge of South Dakota school law. This figure represented only a moderate knowledge of school law. The study also indicated that principals who had been exposed to one school law course; were significantly more knowledgeable than those with no such course, thus, demonstrating the importance of a school law program for administrators.

In another 1990 dissertation, Clark surveyed superintendents, principals, and teachers in selected Mississippi school districts to ascertain if significant differences existed in their knowledge of the components of school law. The study showed a significant difference among the participants' knowledge of the components of school law in such areas as freedom of expression, searches and seizures, and suspensions and expulsions. The study also indicated that, for the most part, this knowledge was only marginally correct. A significant difference was also found between those educators who had previously taken a school law course and those who had not. The study illustrated the need for developing a curriculum for staff development in the area of student rights and the law.

Chapman et al. (1986) conducted a legal issue survey of New York public schools' administrators to ascertain their knowledge of relevant judicial decisions and their ability to apply those decisions to student searches and seizures. The results (Appendix D:47), showed that less than 50 percent (46%) of the schools surveyed had written policies governing student searches. In most schools, (94%) the study showed that the principal was the administrator who usually conducted a student search, while in slightly more than one-half (54%) of the schools, an assistant principal also conducted searches of students. Ninety-five percent of the administrators surveyed knew that students had a constitutional right to be free from unreasonable search and seizure, and 78 percent were aware that reasonable suspicion is required before a search can be initiated. Twenty-seven percent, however, did not know that some evidence of wrong-doing was required before school personnel could search a student. Twenty-percent incorrectly believed that probable cause and a warrant were necessary before a school official could search a student. Out of seven categories in the survey, only two of the items had correct responses above the 85 percentile, indicating

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school, and (c) the extent of the search conducted indicated that the lack of knowledge of the law pertaining to school searches and seizures was likely to continue to cause problems for administrators.

In light of the research available, it seems imperative that school-site administrators become aware of the law governing student searches and seizures and its implications. This is the primary purpose of this practicum.

Solution Strategy

The literature on staff development activities suggested that most inservice training is directed at imparting knowledge (Melnick, 1991). Lectures, faculty assemblies, and departmental staff meetings have been the traditional methods used to impart this knowledge.

According to Rappa (1985), educators believed that effective staff development includes role-playing, small group sessions, and observations of others. Since it is the responsibility of administrators and teachers to improve existing programs and implement new ones, such programs must be fully accepted in order to be successful. Thus, the inservice program included in this practicum utilized the above-mentioned staff development

techniques which research had shown to be successful in facilitating learning.

Citing the "Educating Americans for the 21st Century" report, McTighe and Schollenberger (1985:4) state:

> "[w]e must return to basics, but the basics of the 21st Century are not only reading, writing and arithmetic. They include communication and higher problem-solving skills, and scientific and technological literacy - the *thinking* tools that allow us to understand the technological world around us ... Development of students' capacities for problem-solving and critical-thinking in all areas of learning is presented as a fundamental goal."

The ability to think critically is of utmost importance in today's society; it should not, however, constitute the sole justification for educational improvement. Since thinking is essential to all school subjects its development should be considered a means as well as an end.

Effective thinking is particularly important for contemporary democracy as local national, and international issues become increasingly complex. Consequently the development of critical-thinking skills should be an integral component of teaching practices in general and inservice training in particular.

The inservice program in this practicum included (a)

an Educational Law Survey (Appendix F:58) which was administered on a pretest and posttest basis to ascertain administrators' awareness of the law regarding student searches and seizures, (b) critical-thinking worksheets (Appendix G:62) which improved the administrators' abilities to apply court decisions regarding student searches and seizures, (c) case materials which facilitated the learning process, and (d) a manual (Attachments:72) as a guide for conducting student searches and seizures in public schools.

The inservice program focused on group interaction, role-playing, and observation techniques which research had proven to be successful. The writer served as the inservice facilitator introducing concepts and discussing the law, explaining terms, and distributing the inservice materials.

The inservice program also provided administrators with the opportunity to increase their awareness of the law regarding student searches and seizures. Utilizing the above-mentioned techniques made administrators receptive to the program resulting in a successful inservice.

Chapter III

Method

Over a period of 13 weeks, four school-site administrators (i.e., assistant principals) met with an instructor for one-hour, twice a week. An Educational Law Survey (Appendix F:58) was administered to this group on a pretest basis during the first session and on a posttest basis during the last session.

The administrators were issued weekly assignments regarding the law related to student searches and seizures. The assignments included (a) content related worksheets (Appendix G:62) which addressed critical thinking skills and focused on specific aspects of the law, and (b) reading assignments from a manual (Attachments:72), prepared by the writer and verified for content validity and legal accuracy. The manual contained specific guidelines pertaining to student searches. The writer reviewed the aforementioned material weekly to ascertain the extent to which administrators added to their knowledge of the law governing student searches.

The units of study for the thirteen weeks were composed of the following:

1. Week 1: Pretest.
2. Week 2: Major court decisions that applied the Fourth Amendment to student searches and seizures.
3. Week 3: Laws regarding searches of students' lockers.
4. Week 4: Laws regarding searches of students' automobiles.
5. Week 5: Laws regarding searches of students' persons.
6. Week 6: Laws regarding consent searches.
7. Week 7: Laws regarding searches by school security personnel.
8. Week 8: Laws regarding police searches.
9. Week 9: Laws regarding canine searches.
10. Week 10: Laws regarding blanket/sweep searches.
11. Week 11: Laws regarding plain-view/open-view searches.
12. Week 12: Posttest review.
13. Week 13: Posttest.

The units of study were sequentially arranged to follow the study manual issued to the administrators.

The activities for the first week of implementation were as follows:

Week 1: Pretest

Session 1: Presented an overview of the inservice program, administered the Educational Law Survey pretest, distributed the administrators' manual, and assigned the readings for the next session (e.g., Introduction and Background).

Session 2: Reviewed the pretest scores, discussed the reading assignment, and assigned the readings for the next session (e.g., Reasonable Suspicion and Locker Searches).

Activities for weeks 2-11 were as follows:

Weeks 2-11: Weekly Assignments

Session 1: Reviewed and discussed the assigned readings, introduced the law, terms, and cases for the specified unit, distributed the worksheet (e.g. worksheets 1-11) and

case materials (e.g., court decisions regarding the law of student searches and seizures) for the specified unit, and facilitated group work and role-playing (e.g., the assistant principals played the part of administrator and student in a search and seizure scenario) to enhance learning.

Session 2: Reviewed and corrected worksheet assignments, clarified issues that were causing confusion, recapped the unit by providing additional scenarios (e.g., the assistant principals were placed in situations where they had to apply the correct procedure when conducting a student search and seizure), and assigned readings for the next unit.

The activities relied on group interaction (e.g., roundtable discussions on legal issues regarding student searches and seizures) and role-playing to facilitate the learning process.

Activities for weeks 12 and 13 were as follows:

Week 12: Posttest review

Session 1: Reviewed and corrected worksheet assignment, clarified issues that were causing confusion, recapped the unit by providing additional scenarios, and began the review for the posttest.

Session 2: Concluded the posttest review.

Week 13: Posttest

Session 1: Conducted a brief review for the posttest, administered the posttest.

Session 2: Reviewed the posttest scores, clarified all outstanding issues, and thanked the participants for their time and effort.

The writer designed the inservice program to improve administrators' critical thinking skills by incorporating (a) case analyses, (b) group work, and (c) role-playing activities. The writer encouraged the administrators to share all ideas, opinions, or interpretations to enhance the quality of the inservice sessions.

Chapter IV

Results

Gay (1992:9) defined evaluation as "the systematic process of collecting and analyzing data in order to make decisions." Wiles and Bondi (1991:285) stated that "evaluation can reduce some theoretical issues to decision-making level, and can clearly identify desired outcomes and measure progress toward those ends." Oliva (1988:467) commented that "evaluation is the process of making judgements." Evident from these definitions is the fact that evaluation examines the extent to which the desired outcomes have been achieved. The author of this practicum evaluated three aspects of the law governing student searches and seizures.

The Educational Law Survey pretest and posttest measured administrators' knowledge regarding the law relating to student searches and seizures. This test consisted of multiple choice and yes/no questions, which represented the domain of material discussed in Chapter III. The pretest and posttest both appeared to have high content validity, since they were specifically developed

for this practicum.

The critical thinking worksheets were designed by the writer to measure the participant's ability to: (a) compare and contrast case law governing student searches, (b) analyze court decisions to determine their effect on student searches, and (c) to increase their knowledge of school law. The evaluation of the administrators' increased knowledge was based on the accuracy of their responses to the worksheet activities.

The role-playing and scenario activities were developed to ascertain the administrators' ability to apply the correct legal standard to specific student search and seizure scenarios. The writer conducted these activities after the completion of the worksheet activities. Evaluation consisted of determining the extent to which administrators applied the correct legal standards to the various scenarios through observations made by the author.

The administrators scores on the various components determined the success of the project. Posttest results (Appendix H:65) indicated that the participating administrators' achieved an average percentile gain of 34 points from pretest to posttest. This gain was both

statistically and practically significant.

Informal evaluation consisted of individual meetings with administrators, at their convenience, to ascertain the extent to which they increased their knowledge of the law governing student searches and seizures.

Chapter V

Recommendations

The importance of administrators' awareness of the law governing student searches and seizures, and their ability to apply the correct legal standard when conducting a search, cannot be underestimated. It is imperative that school officials be cognizant of the legal risks associated with conducting a student search and/or seizure.

To accomplish the above mentioned goals, two things must occur. First, the school district must increase its effort to communicate legal information to school-site administrators. In a 1989 dissertation, Smith conducted a study which investigated this issue. The study concluded that although the need for legal information is strongly supported, school district officials are not disseminating this information to school-site administrators. This results in an uninformed staff with potentially devastating legal consequences for both the district and the administrators who conduct student searches. Second, the district's legal department, in

conjunction with appropriate administrative personnel, should develop a curriculum regarding student searches and seizures which can be presented in a staff development program. This program should increase administrators' and teachers' awareness of the law governing student searches and seizures.

It is the intent of the writer to present the inservice program contained in this practicum to the appropriate district officials as a means of initiating a district-wide school law workshop. The writer will also facilitate the dissemination of legal information to the school-site administrators by providing copies of legal articles and court decisions from legal journals affecting the law of student searches and seizures.

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APPENDICES

Appendix A

Florida Education Coalition Crime and Violence Survey
1990-1991 School Year

Table 1

Florida Education Coalition Crime and Violence Survey
1990-1991 School Year[1]

Offense	Total Incidents	% of Total Incidents
Alcohol	1215	2.64
Drugs	1265	2.74
Robbery	569	1.23
Vandalism	6427	13.95
Weapons	2975	6.46
Firearms	456	0.99

[1] From "Florida Education Coalition Crime and Violence Survey - 1991" by Florida School Board Association, 1992. Florida Department of Education Publication. Reprinted by permission.

Appendix B

Special Investigative Unit - Dade County Public Schools
Comparative Analysis of Selected Offenses Reported for
the School Year - 1990-1991

Table 1

Special Investigative Unit - Dade County Public Schools
Comparative Analysis of Selected Offenses Reported for
the School Year - 1990-1991

Offense	Total Incidents	% of Total Incidents
Alcohol (Possession, use, or sale)	6	.1
Narcotics (Illegal possession, sale, or use)	94	1.0
Robbery (using force)	384	3.0
Vandalism (destruction of school property)	2654	20.0
Weapons Possession (brass knuckles, knives, firearms, etc.)	468	4.0
Firearms possession/use (included in above categories)	180	1.4

Appendix C

Practicum High School's Selected Offenses Reported for the School Year 1991-1992

Table 1

Practicum High School's Selected Offenses Reported for the School Year 1991-1992

Offense	Occurance
Possesion of a Concealed Weapon	2
Possession of Mood Modifying Drugs	2
Robbery	3
Smoking	4
Theft	14

Appendix D

School Administrators' Knowledge of Recent Supreme Court Decisions Affecting School Practice

Table 1

School Administrators' Knowledege of and Application of Search and Seizure Law [1]

Items	% yes	% no	% don't know
Knowledge Questions			
Students have a constitutional right to be free from unreasonable search and seizure.	95	5	-
Probable cause and a warrant are required before school personnel search a student.	20	78	2
Reasonable suspicion of wrong-doing is required before school personnel search a student.	96	4	-
Some Evidence of wrong-doing is required before school personnel search a student.	72	27	1
More evidence of wrong-doing is required to search a person than to search a locker	53	41	6
Application Questions			
An experienced teacher tells the principal that a student reported seeing Student B put marijuana in his pocket. Does the principal have the right to search Student B's pocket?	74	22	4

Table 1 (continued)

Items	% yes	% no	% don't know
A parent calls to complain that her child's calculator was stolen and accuses another child of theft. Does the principal have the right to search the bookbag of the accused student?	39	54	8

[1] From "Public School Administrators' Knowledge of Recent Supreme Court Decisions Affecting School Practice" by David Chapman, Gail P. Sorenson, and Anna F. Lobosco, 1986. ERIC Document Reproduction Service No. ED 295 331. Reprinted by permission

Appendix E

National Principals' Survey on the Knowledge of T.L.O and Student Searches

National Principals' Survey on the Knowledge of T.L.O and Student Searches [1]

Table 1

Awareness of the 1985 Supreme Court Case Concerning Search and Seizure

	All Respondents
Response	%
Yes	73
No	27

[1] From "The Post-T.L.O. Status Of Search and Seizure Policies and Practices In Public Schools" by Floyd B. Deleon and Greg L. Gettings, 1986. Educational Law Reporter, 45. p. 461-473. Copyright 1986 by West Publishing Co. Reprinted by permission.

Table 2

Applicability of the Fourth Amendment to School Searches

Response	Respondents Who Answered Yes in Table 1 %
Fourth Amendment Does Not Apply to School Searches	44
Fourth Amendment Does Apply to School Searches	56

Table 3

Knowledge of the Legal Justification for School Searches by School Personnel

Response	%
School Searches Require "Probable Cause"	12
School Searches Require "Reasonable Suspicion"	88

Table 4

School District with Written Policies on Search and Seizure

Response	All Respondents %	Knowledge of T.L.O. %	No Knowledge of T.L.O. %
Yes	53	56	45
No	47	44	55

Table 5

Individuals Responsible for Conducting School Searches

Response*	All Responses %	Knowledge of T.L.O. %	No Knowledge of T.L.O. %
1.	64	61	70
2.	16	17	14
3.	6	6	7
4.	8	10	3
5.	6	6	6

* The responses solicited were as follows:

1. Administrators only.
2. Both administrators and teachers.
3. Security personnel.
4. Police officers only.
5. Other, please specify.

Table 6

Areas in the School or Objects of an All-School Search

Response*	All Responses %	Knowledge of T.L.O. %	No Knowledge of T.L.O. %
1.	32	30	36
2.	16	15	18
3.	18	18	20
4.	29	33	21
5.	5	4	5

* The responses solicited were as follows:

1. Student lockers.
2. Student desks.
3. Student gym or book bags.
4. Currently, do not believe our school would ever conduct this type of search.
5. Other, please specify.

Table 7

The Subject of Individual Searches

Response*	All Responses %	Knowledge of T.L.O. %	No Knowledge of T.L.O. %
1.	20	19	20
2.	17	17	17
3.	18	18	18
4.	14	14	14
5.	14	15	12
6.	2	2	3
7.	15	15	16

* The responses solicited were as follows:

1. Student's locker.
2. Student's purse, billfold.
3. Student's gym bag, book bag.
4. Student's car.
5. Student's person
6. Strip search
7. Student's desk.

Appendix F

Educational Law Survey - Pretest and Posttest

Educational Law Survey

Instructions: Read each question **carefully** and circle the correct answer.

1. In which of the following did the Supreme Court hold that Fourth Amendment rights apply to school searches?

   a. **People v. Overton**
   b. **New Jersey v. T.L.O.**
   c. **In re Gault**
   d. **Horton v. Goose Creek Independent School District**

2. According to the court decision in **Question Number 1**, which of the following is needed for a school search?

   a. Probable cause
   b. Reasonable suspicion
   c. Search warrant
   d. School policy

3. Which of the following individuals can be legally authorized to conduct searches in public schools?

   a. Administrators
   b. Teachers
   c. Security personnel
   d. Police officers
   e. All the above
   f. a, b, and d only

4. What areas and/or objects fall into the category of a "school search?"

   a. Student lockers
   b. Student desks
   c. Gym/book bags
   d. Student clothing
   e. Automobiles
   f. All the above
   g. None of the above

5. Which of the following type(s) of search(es) is **NOT** permitted in this school district?

   a. Purse, wallet search
   b. Gym bag, book bag search
   c. Automobile search
   d. Student's person
   e. Strip search

6. Does Dade County Public Schools have a written policy concerning searches and seizures?

   a. Yes
   b. No

7. The courts have held that for locker searches to be legal students must be given a written copy of the search policy which must be fully explained to them?

   a. Yes
   b. No

8. Supreme Court has held that blanket searches can not occur in public schools?

   a. Yes
   b. No

9. Does a student waive his constitutional guarantees when he/she consents to a search?

   a. Yes
   b. No

10. Does the searching of students on school grounds relieve police officers of their constitutional restraints?

    a. Yes
    b. No

11. Are drug-sniffing dog searches legal according to the courts?

    a. Yes
    b. No

12. An assistant principal (AP) finds two students, without passes, in the bathroom after the bell has rung. The AP asks one of the students to empty his/her pockets. In doing so, two marijuana cigarettes and a packet of cocaine fall out. The police are called and the student is arrested. Was this search legal?

    a. Yes
    b. No

13. A parent accuses a student of stealing his/her child's calculator. Does the administration have the right to search the book bag of the accused student?

    a. Yes
    b. No

14. A principal discovers defaced school property and orders all teachers to search every student for magic markers. Three students are found to have magic markers and are suspended. Was the scope of this search legal?

    a. Yes
    b. No

15. As you walk through the student parking lot of your school you notice drug paraphernalia on the front seat of a student's car. You identify the student and ask him/her to open the car. The student complies and inside you find a bag with crack cocaine. The police are called and the student is arrested. Was this search legal?

    a. Yes
    b. No

Appendix G

Samples of Critical Thinking Worksheets

Worksheet-1

Topic: Major court decisions that have applied the Fourth Amendment to student searches and seizures.

Cases: New Jersey v. T.L.O.
State v. Mora

I. **Questions**

1. In the T.L.O. case, the Supreme Court handed down a landmark decision. What was its decision with regard to:

   a. What constitutes a reasonable search.

   b. Reasonable suspicion.

   c. Probable cause.

   d. Search warrants.

   e. The two-pronged test.

   f. Searches of lockers, desks, other school provided storage areas, and automobiles.

   g. The doctrine of "in loco parentis"

2. Compare the T.L.O. decision with that of the Louisiana Supreme Court's in State v. Mora.

   a. What are the similarities in the two decisions?

   b. What are the major differences between the two decisions.

   c. What was the reasoning behind the Louisiana Supreme Court's decision. Do you agree with this decision?

Worksheet-8

Topic: Police Involvement in School Searches

Cases: Picha v. Wielgos
M.J. v. State
Cason v. Cook

I. Questions

1. After reading the courts' decision in Picha v. Wielgos and M.J. v. State, what is your interpretation of the law regarding police searches in schools?

2. After reading the court's decision in Cason v. Cook, what do you think the court held with regard to police searches in schools? Did this decision differ from the two decisions in question number one? If so, how did they differ?

3. After analyzing the above-mentioned cases, explain the legal standard regarding police searches of students while in school.

Appendix H

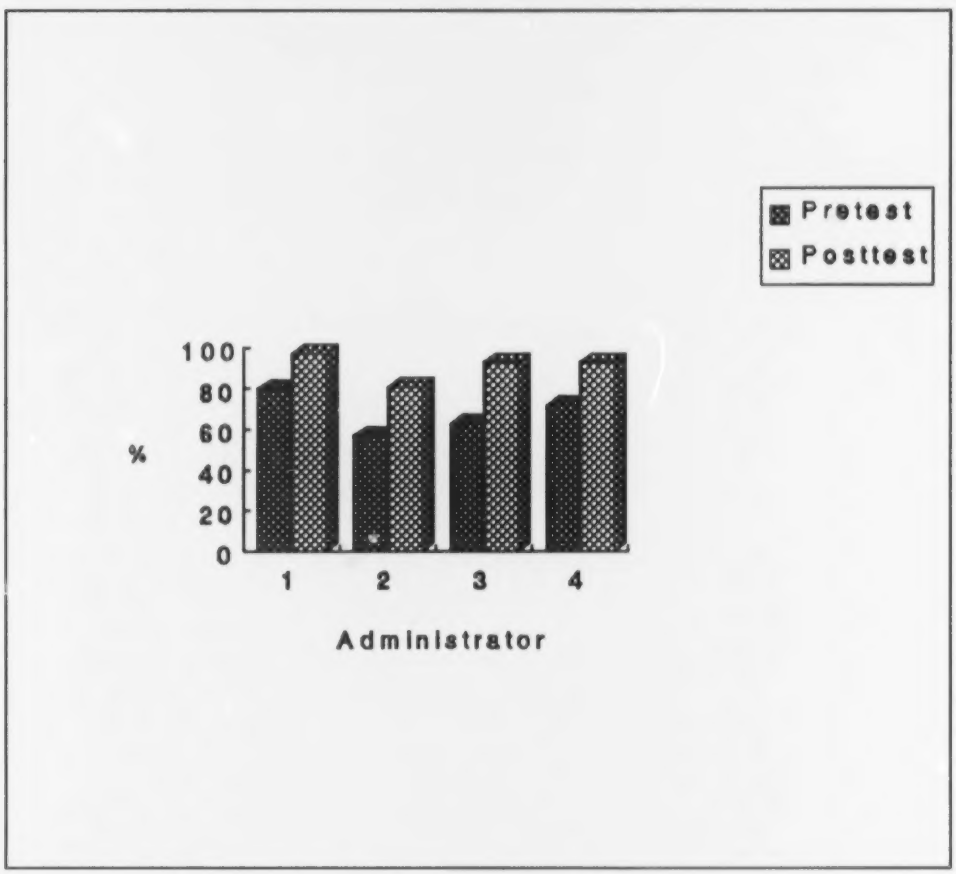
Educational Law Survey
Pretest and Posttest Results

Educational Law Survey
Pretest and Posttest Results

Administrator	Pretest	Posttest
1.	80	100
2.	57	81
3.	63	93
4.	72	93

Table 2

Graphic Comparison of Administartors' Educational Law Survey Pretest and Posttest Results



Appendix I

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Attachments

Guidelines for Authorized School Personnel to Conduct Student Searches and Seizures

I. Introduction

A considerable amount of controversy exists concerning the application of the Fourth Amendment to the school setting. This has long been a problem for both school officials and law enforcement officers. Much of the problem stems from the lack of understanding of how the Fourth Amendment applies to school searches and seizures. Compounding the problem is a court system, federal and state, that is in disagreement on how the Fourth Amendment applies to schools.

The purpose of this manual is to present school-site administrators with clear and concise guidelines for conducting student searches and seizures. These guidelines will help administrators avoid adverse litigation that may arise from an illegal search.

II. Background

The Fourth Amendment states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrant shall be issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized. (U.S. CONST. amend. IV.)

It was not until recently that the United States Supreme Court held that students have rights that are protected by the Constitution. In Tinker v. Des Moines Independent Community School District (1969), the Court held that "students do not abandon their constitutional rights at the schoolhouse gate." In the landmark case, In re Gault (1967), the Court held that juveniles are entitled to due process of law since "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone." In Goss v. Lopez (1975), the Court indicated that "the [S]tate is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause..."

In New Jersey v. T.L.O. (1985), the United States Supreme Court held that students have a legitimate expectation of privacy, and that the Fourth Amendment applies to school searches and seizures, but to a lesser degree for school officials than for law enforcement officers. The Court stated that the Constitution allows public school officials to search students if they have "reasonable suspicion" to believe that the search will yield evidence in violation of school rules or the law.

School officials are not required to obtain a warrant and probable cause is not a requirement in most cases. Therefore, the legality of a school search depends on its "reasonableness under all circumstances" of the search.

The Court acknowledged that the difficulty in applying the Fourth Amendment within the school arises from the conflict between the responsibility of school officials to maintain a safe learning environment and the privacy rights of the students. In order to balance these two points, the Court developed a two-pronged test. First, the search must have been justified at its inception - that is, reasonable grounds must exist for suspecting that the search will turn up evidence that is in violation of school rules or the law. Second, the search must be permissible within its scope - that is, the measures used must be reasonably related to the objectives of the search and not excessively intrusive of the student.

In the State of Florida, the students' privacy rights are protected under Art. 1, § 12 and Florida Statute § 232.256. Dade County Public School's provision for student search and seizure can be found in Board Rule 6Gx13-5D-1.08, "Promoting and Maintaining A Safe Learning

Environment." This rule cites current law and/or practice stating that "students should be informed in writing of the policies governing the use of the lockers." However, it is not required that this policy be fully explained to the student for the search to be legal.

III. Reasonable Suspicion

Reasonable suspicion requires that the search will reveal evidence that the student violated or is violating the law or school rules. This requires more than the "instinctive suspicion" of a school official (Quick, 1988). According to LaFave (1987:165), "it is said that the school authorities must establish a 'reasonable suspicion' in order to justify the search." Therefore, a search conducted on a "hunch" will be held invalid in a court of law.

1. Personal Observation

The courts have placed greater emphasis on facts indicating reasonable suspicion obtained through personal observation. If the student's actions are deliberate or elusive, such as the manner in which the student reacts to the appearance of a school official, the manner in which he/she may be carrying an item, or occupying an

area where violations are known to have occurred, it would be enough for a search to be initiated.

2. Informers

When there is a lack of personal observation, reasonable suspicion can be based on the information provided by an informant. This type of information is usually provided by (a) teachers, (b) students, or (c) anonymous sources. It is important that this type of information be reliable and sufficient to justify a search.

The Supreme Court and the lower courts have upheld searches based on information which has been provided by a member of the school staff. The courts have upheld these individuals as reliable sources.

Information from students, however, must be closely scrutinized. Where the courts have upheld the reliability of a student informant, there has been more than one student providing the information. In cases where a single student has supplied information, the courts have studied at length the sufficiency of the information and the reliability of the student informant. Therefore, if school officials are to base their search on information provided by a single student, that student

should have a prior history of providing accurate information about illegal activities (Rossow, 1987).

Information from anonymous sources will be upheld if it satisfies three criteria. First, the information must be specific. Blanket allegations will not be upheld. Second, if the information is anonymous, it will be upheld if it comes from the general public. Third, the allegations must have a likelihood of occurring within the framework of the school setting.

In basing a search on information supplied by an informer, the school official must appraise the reliability of the person(s) providing the information and attempt to corroborate the information. Once the information has been validated, a search may be initiated.

3. Students' Prior Histories

If a student has a prior history of illegal activities, the reasonable suspicion test, vis-a-vis student searches, can usually be met if the student appears to be doing something suspicious. The courts have held that the mere fact that a student has a prior history of illegal activity is not a basis for conducting a search anytime authorized school personnel believe it

is necessary. However, the courts have invalidated searches of students who are mere companions or acquaintances of the student with a prior history of illegal activity. (See, R.J.M. v. State, 1984).

4. School Officials' Prior Experiences

If the school official who is to conduct the search has had some prior experience in correctly identifying illegal activities, it will help meet the reasonable suspicion test. However, this experience must be reliable and not based on "hunches."

5. Individualized Suspicion

In order to search a student's person (i.e. pockets, purses, wallets, bookbags) the individual conducting the search should have some suspicion that the individual student is in possession of some illegal item. Therefore, blanket searches which produce evidence of illegal contraband will fail the reasonable suspicion test due to a lack of individualized suspicion.

6. Additional Factors

Some courts have suggested that additional factors should be considered when determining the reasonableness of a search. These include: (a) the student's age, (b) history and record, and (c) the prevalence and seriousness of the problem to which the search was conducted. (See, State v. McKinnon, 1977; In re L.L., 1979; People v. D., 1974). The age of a student may reflect the ability of the student to rationalize his/her actions. Student history and record may reflect some past misbehavior and may predict future behavior. The prevalence of the action may become widespread and lead to disruption of the learning environment. The seriousness of the problem may lower the reasonable suspicion requirement when the situation poses a greater threat to the safety of the school.

IV. Persons Authorized To Conduct Searches

The following individuals are authorized to conduct student searches:

1. Administrators
2. Teachers/Counselors
3. School security personnel
4. Law enforcement officers

The courts have not addressed the right of support personnel (i.e. secretaries, custodial staff) to conduct a search. Therefore, these individuals should not be involved in a school search.

V. Types of Searches

1. Lockers, Desks, Storage Areas

All lockers, desks, and storage areas assigned to students for storing school and/or personal items are the property of the school and are under the control of the school. These areas can be periodically inspected and/or searched by school officials. Students should expect limited privacy in these areas.

Inspection and/or searches of these areas should be made only if reasonable suspicion dictates a need for the search. An attempt to have the student present during the search should be made.

If the storage area contains items that are in violation of school rule or law, the administration may use such evidence in disciplinary action or present it to the appropriate law enforcement agency for possible criminal prosecution.

The courts have not held that students must be given a written copy of the school district's search policy in order to validate the search (See, Moore v. Student Affairs Committee of Troy State University, 1968).

2. Automobiles

Student automobiles parked in the student parking lot remain in the possession of the student. However, the automobile remains under the control of the school during the time the student is in school. School officials may visually inspect student automobiles under the "plain view" doctrine, to verify that they do not contain items that are in violation of school rules or the law.

If a reasonable suspicion exists that an automobile should be searched, the school official should attempt to obtain the student's consent to search the vehicle. If consent is given, the official may proceed with the search. The search should be conducted in the presence of another authorized official and the student. If consent is not given, the police should be contacted, and they should serve a warrant, based on probable cause, to search the vehicle.

If the vehicle is found to contain illegal items and the search is conducted by a school official, the evidence can be used in a school disciplinary action and/or criminal prosecution if the police were called. If the police conduct the search, the evidence may only be used in a criminal proceeding.

3. Student's Person - Containers

A student may be subjected to a physical search, or a student's pocket, purse, or other container (e.g., bookbag, gymbag, briefcase, etc.) may be searched under the following condition (a) the information was received from a teacher, staff, or other student, and (b) there was enough reasonable suspicion to conduct the search.

The following standards of reasonable suspicion must be met in order to conduct a search:

1. A particular student must have violated a school rule.
2. The search must yield evidence in violation of school policy.
3. The search must be within the school's legitimate interest in maintaining a safe learning environment.
4. The search must not be conducted for the sole purpose of discovering evidence to be used in a criminal prosecution.

The search should be conducted in a private area, or office, to maintain the privacy of the individual being searched. If the search yields items in violation of school rule or the law, the evidence may be used in school disciplinary action or presented to the police for criminal prosecution.

If the student refuses to cooperate, the school official should contact the parent(s) or guardian(s) and ask them to come to the school. The student should be kept under surveillance until the parent or guardian arrives.

If the parent refuses to cooperate the school officials can:

1. Use school policy for student discipline.
2. Contact the police, who can obtain a search warrant, proceed with the search and prosecute if the evidence found is in violation of the law.

At all times, this type of search should be conducted in the presence of a witness and without coercion.

4. Police Searches

Searches of students on school grounds does not relieve police officers of their constitutional restraints.

The general rule is that when a law enforcement officer initiates, participates, or assists in a search conducted by school officials, the officer must have probable cause and a search warrant to conduct the search. If a school official works with the police to conduct a search which is part of a criminal investigation, the standard of probable cause must be met.

Several circumstances exists where the use of law enforcement officers is permissible, such as, when the police provide the information which causes school officials to conduct a search, but they do not, in any way, participate in the search or question the student. Another circumstance includes the situation in which the police are invited to participate in a limited capacity by school officials, and the school officials do not act as police agents. When the purpose of the search is solely for disciplinary action, it is reasonable for the school official to obtain the assistance of a police officer to conduct the search. But when a school official informs a police officer that the student is in possession of an illegal item, and the officer conducts a search, the probable cause standard must be met.

Finally, when a police officer conducts a search of a student's locker with a valid search warrant and obtained consent by an authorized school official, any evidence seized will be admissible in any subsequent criminal proceeding. Police searches of a student's person or belongings should be conducted in private and in the presence of a school official. It is also recommended that the parents of the student be notified immediately of the impending action.

5. School Security Personnel

When a search is made by a school security officer at the request of a school official or in conjunction with school officials, the prevailing view is that the probable cause and warrant requirements do not apply. In this instance, only reasonable suspicion is needed.

When a school security officer conducts a search without the direction of school authorities, the search must be held under the standards of probable cause and not under the standards of reasonable suspicion.

6. Consent Searches

When a student consents to a search, he/she waives his/her Constitutional guarantees under the Fourth

Amendment. However, the consent must be given voluntarily and without coercion. The student is not required to consent or be told that he/she may consent, but the consent must be absent of the slightest form of coercion. This condition is viewed as unrealistic considering a school environment which emphasizes order, discipline, and the authority of teachers presents a very coercive atmosphere for students.

This condition may make a valid consent search difficult to prove but not necessarily impossible. Therefore, school officials should avoid situations where they indicate (a) an erroneous right to search (so the student feels that he/she may as well consent), or (b) a show of force by school officials or a threat of a forcible search. These circumstances cannot help but create a coercive atmosphere which will render the search invalid.

7. Blanket - Sweep Searches

General searches are difficult to justify due to the lack of individualized suspicion. Although there is general agreement among legal experts that this type of search is in conflict with the intent of the Fourth Amendment, when school officials are confronted with

evidence that would lead to a reasonable suspicion that the safety of the school is in question, the requirements of the Fourth Amendment are relaxed. Therefore, blanket searches are permissible only in the case of an impending danger (emergency) to the safety of the school.

8. Open View - Plain View Searches

Under the "open view" doctrine, whatever is exposed to open view is not protected by the Fourth Amendment. Therefore, any item in violation of school policy or the law can be legally seized as evidence.

Under the "plain view" doctrine, school officials may seize contraband which comes within their view as they go about their duties in a legitimate fashion.

Three rules govern the application of the "plain view" doctrine:

1. The initial search must be justified and not overly intrusive.
2. The discovery of secondary evidence must be unplanned.
3. The secondary evidence must indicate some sort of wrong-doing

School officials need to adhere to these guidelines to prevent any confusion regarding "plain view" searxhes.

9. Canine Searches

Case law has established that canine searches of lockers and cars parked on school property does not constitute a search. However a federal appeals court held that dog sniffing, where the dog makes physical contact with the student, would be considered a search. The search would be invalid if it was not based on reasonable or individualized suspicion. This would eliminate, or at least minimize, the need for a canine search. Moreover, there is no judicial consensus whether the sniffing of a student constitutes a search where the dog does not touch the student.

Canine searches should be limited to searches of student lockers and cars parked on school property.

10. Strip Searches

Strip searches are prohibited in this school district and under no circumstances should they be undertaken. However, this type of search has been upheld by the courts provided that it is reasonably related to the basis of the search, and it is not extensive in light of the age and sex of the student and the infraction involved. (See, Farmer v. State, 1980; People v. Scott D., 1974).

11. Emergency Searches

When school officials have evidence which poses a threat to the safety of the school such as (a) a fire, (b) a bomb threat, or (c) the presence of a concealed weapon, they are authorized to act on that information, even if it turns out to be erroneous. (See, Wayne v. United States, 1963; In re Boykin, 1968).

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